

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**USDC SDNY**  
**DOCUMENT**  
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IN RE TREMONT SECURITIES LAW,  
STATE LAW AND INSURANCE  
LITIGATION

**ORDER**

09 md 2052

Master File No.:  
08 Civ. 11117 (TPG)

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This Document Relates to: Insurance  
Action 09 Civ. 557 (TPG)  
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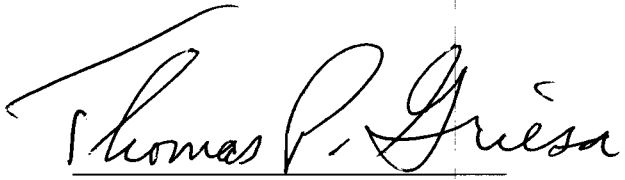
On February 4, 2010, the court denied New York Life Insurance Company's motion to dismiss because F. Daniel Prickett's complaint will be incorporated into the forthcoming consolidated class action complaint in the Insurance Action per the court's May 1, 2009 order. In a March 15, 2010 letter, New York Life now requests that the court "continue to treat the Prickett matter as an individual case" and not part of any consolidated class action complaint in the Insurance Action because the Prickett complaint is "plainly distinguishable" from the Insurance Action since New York Life is not affiliated with any Tremont entity. According to this letter, plaintiff Prickett objects to New York Life's request.

Not only did the court intend for the Prickett action to be consolidated with the Insurance Action, but it appears that plaintiff Prickett wishes to have his claims included in the forthcoming

consolidated class action complaint. Accordingly, New York Life's request is denied.

SO ORDERED.

Dated: New York, New York  
March 24, 2010



Thomas P. Griesa  
U.S.D.J.